IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.828 OF 2001

IN

NOTICE OF MOTION NO.1554 OF 2001

IN

ARBITRATION PETITION NO.463 OF 2001

Naval Gent Maritime Ltd. ...Appellants

v/s

Shivnath Rai Harnarain Ltd. and ors. ...Respondents

Mr S.C. Gupte with Ms M.F. Sethna and Ms Dipti Das i/b M/s Dunmor Sett for Appellants.

Mr V.C. Kotwal, Sr. Advocate with Mr V. Dhond, Mr Ashwin Shankar, Mr Vishal Sheth and Mr Ruben Fernandes for Respondent No.1.

Mrs Vidita Bhalikar with Ms Preeti Shah i/b M/s Mulla and Mulla and Craigie Blunt and Caroe for Respondent No.3.

CORAM : D.K. DESHMUKH AND J.H. BHATIA JJ.

DATE : 11TH SEPTEMBER 2007.

P.C. :-

1. On a motion made by the learned counsel appearing for appellants, arbitration petition No.463 of 2001 is permitted to be withdrawn with liberty to file a fresh application for the same relies in appropriate Court. As the arbitration petition No.463 of 2001 is withdrawn, the order passed by the learned single Judge on that petition, which is impugned in this appeal, does not survive for consideration and therefore, the appeal is disposed off. However, the bank guarantees furnished by the respondent No.1 in arbitration petition No.463 of 2001 shall continue to be kept current by the respondent No.1 without prejudice to their rights and contentions for a period of six weeks from today. Notices of motion Nos.1541 of 2001, 1570 of 2001 and 1220 of 2003 are disposed off.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.

(D.K. DESHMUKH J.)

(J.H. BHATIA J.)